

Scurry, Woodward, McNealus, Gibson and Smith.

A numerously signed petition to Senator Gibson was offered, asking him to vote against Senate Bill No. 80, by Senator Johnson of Hall, believing that the bill would deprive the working class of their only day of recreation and pleasure.

Senator Henderson sent up a petition from Texarkana asking him to vote against House Bill No. 24, prohibiting the use of automatic and repeating guns.

Numerously signed petitions to Senators Page, Woodward and Johnson were sent up, relating to the Pharmacy Bill.

Petitions to Senator Johnston of Harris relative to the tenant farmer were offered.

A resolution as adopted by the Telephone Association of the First Congressional District of Texas was offered by Senator Henderson.

Senator Gibson offered a petition from the Medical Society of Fannin county opposing the Optometry Bill.

A petition from Lubbock to Lieutenant Governor Hobby was read, asking that as large appropriation as possible be given the experimental station located at Lubbock.

A resolution from the Farmers' Educational and Co-operative Union of Texas was offered by the Chair, relating to the Marketing and Warehouse Law.

Senator Caldwell offered a letter from Ed W. Numbers urging support of a proposed amendment to the compensation laws of Texas.

TWENTY-SECOND DAY.

Senate Chamber,
Austin, Texas,
Tuesday, February 6, 1917.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Caldwell.
Bailey.	Dayton.
Bee.	Dean.
Buchanan of Bell.	Decherd.
Buchanan of Scurry.	Floyd.

Gibson.	McCollum.
Hall.	McNealus.
Harley.	Page.
Henderson.	Parr.
Hopkins.	Smith.
Hudspeth.	Strickland.
Johnson. of Hall.	Westbrook.
Johnston of Harris.	Woodward.
King.	

Absent.

Robbins.

Absent—Excused.

Clark.
Lattimore.

Suiter.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Westbrook.

Excused.

Senator Clark was excused for yesterday and today on account of sickness, on motion of Senator Johnson of Hall.

Petitions and Memorials.

See Appendix for brief statement of petitions and memorials offered today.

Committee Reports.

See Appendix.

Stenographer Appointed.

The Chair announced the appointment of Miss Frankie Wren as stenographer for Senator Alderdice, to succeed Miss Brin, resigned, the appointment to become effective next Saturday.

Bills and Resolutions.

By Senator Buchanan of Scurry:

S. B. No. 300, A bill to be entitled "An Act to regulate the operation of motion picture shows, theatres and places of amusement where motion picture exhibits are given; providing rules and specifications for the construction of booths and the installation of motion picture machines and

other devices incident to motion picture shows; providing regulations for the arrangement of auditoriums, audience rooms and halls, and the seats, aisles, exits and lights therein, in which motion pictures are shown; providing for the inspection and licensing of motion picture shows or theatres and fixing fee for such inspection and license, and making it the duty of the Fire Marshal of the State Fire Insurance Commission to supervise motion picture shows or theatres or places of amusement where motion picture shows or theatres or places of amusement where motion picture exhibitions are given, to the extent of giving effect to the provisions of this Act, and declaring an emergency."

Read first time and referred to Committee on Insurance and Banking.

By Senator Alderdice:

S. B. No. 301, A bill to be entitled, "An Act to amend Article 1903 of Chapter 8, Title 37, of the Revised Civil Statutes, 1911, relating to pleadings of the defendant."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Alderdice:

S. B. No. 302, A bill to be entitled "An Act to regulate the business of making abstracts to land titles in the State of Texas and requiring the execution of bonds by persons, firms and corporations engaging in such business, and prescribing a punishment for engaging in such business without having executed bond."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Dayton:

S. B. No. 303, A bill to be entitled "An Act amending Section 15, Chapter 4, of the local and special laws of the first called session of the Thirty-first Legislature, etc."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Johnson of Hall:

S. B. No. 304, A bill to be entitled "An Act creating the Turkey Independent School District in Hall County, Texas; providing for a board of trustees and conferring upon said district and its board of trustees all rights, powers and privileges and

duties now conferred and imposed by the General Laws of the State upon independent school districts and the board of trustees thereof; to provide for the election of trustees, for the raising of revenue, issuing bonds, building and maintaining school houses, maintaining public free schools, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Dayton:

S. C. R. No. 13, Providing for the appointment of a committee to determine, under the Constitution and Laws of Texas, the distinct fields of operation to be pursued by the A. & M. College, the University and the Department of Agriculture, to avoid and eliminate the friction and jealousy existing among said institutions, requesting the Legislature to make appropriations for each institution in the sphere of activities as prescribed by said committee, and to eliminate duplicate and repeating work done by said institutions, and providing for each institution to perform certain specific acts and things as provided by law.

Read first time and referred to Committee on Educational Affairs.

By Senator Hudspeth:

S. B. No. 305, A bill to be entitled "An Act to amend Article 7235, Chapter 6, Title 124, of the Revised Civil Statutes of Texas, 1911, with reference to the mode of preventing horses and certain other animals from running at large in counties named, so as to exclude and exempt Pecos County, and declaring an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator Hudspeth:

S. B. No. 306, A bill to be entitled "An Act to amend Articles 608 and 611, Chapter 1, of Title 18, of the Revised Civil Statutes of the State of Texas, 1911, regulating the issuance of bonds by counties, cities and towns, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Hudspeth:

S. B. No. 307, A bill to be entitled "An Act to amend Articles 628 and 632 of Chapter 2, Title 18, of the Re-

vised Civil Statutes of the State of Texas (1911 compilation); said chapter being Chapter 7 of the General Laws of the first called session of the Thirty-first Legislature, 1909, entitled 'An Act to authorize any county or political subdivision or other defined district of the county, upon a vote of two-thirds majority of the resident property tax paying voters thereof who are qualified electors of such county or political subdivision or defined district of the county to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the excess valuation of the real property of such county or political subdivision or defined district thereto, etc.,' and to add thereto Sections 637a, 637b, and 637c, providing that any county in this State where a road district or road districts have heretofore been formed and have issued bonds for the purpose of constructing roads under said chapter, the commissioners court of the county may upon petition submit to the qualified voters of the county the proposition as to whether or not the commissioners court shall be authorized to issue the bonds of the county for a like purpose and to set apart from such county bond issue an amount thereof equal to all of the outstanding bonds of any such road district or districts less the amount of sinking fund on hand to the credit of such district or districts, etc., providing for the exchange of county bonds thus issued for the outstanding bonds of such district or districts, for the levy and collection of the necessary taxes to pay interest and for a sinking fund for such bonds, prohibiting the over-lapping of road districts or subdivision of the county, providing for the proper investment of the sinking funds of road bonds, declaring that the interest arising from any such investment shall become a part of the sinking fund and prohibiting the diversion of said interest and sinking fund for any other purpose, making the same a criminal offense, and providing suitable punishment therefor, and declaring an emergency."

Read first time and referred to committee on Civil Jurisprudence.

Simple Resolution No. 62.

Whereas, there is now in the city a distinguished ex-member of this body

a bachelor citizen prominent in the affairs of state lately, Hon. C. L. Brachfield of Henderson, Texas; be it

Resolved, That he be extended the privileges of the floor and invited to address the Senate while here.

SMITH,
HUDSPETH,
STRICKLAND.

The resolution was read and adopted. Ex-Senator Brachfield addressed the Senate briefly.

Simple Resolution No. 63.

Whereas, it is necessary that the general public be informed as to the contents and purport of all bills before the Senate, and

Whereas, the press is the only medium through which the public can be perfectly and expeditiously informed as to the action of this body on all matters presented; therefore, be it

Resolved, By the Senate that the sergeant-at-arms be instructed to furnish each correspondent at the press table with a copy of all bills before the Senate.

HARLEY.

The resolution was read and adopted.

Morning call concluded.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, February 6, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to pass the following bill:

H. B. No. 408, A bill to be entitled "An Act creating the office of county superintendent of public instruction; designating the counties to be affected thereby; prescribing the date and manner of the election of the county superintendent; fixing the term of office, providing that no present commissions shall be impaired by the provisions of this Act; prescribing the manner of establishing the office in counties where the office has not yet been created; defining the duties of commissioners court with reference to said office, specifying the qualifications of the county superintendent; prescribing

the oath, and fixing the bond of said officer; providing the manner of his removal from office, and stating the duties of the county school trustees with reference thereto; prescribing the manner of making the pro rata distribution of the State and county available school fund; establishing a scale of salaries; authorizing the county school trustees to provide necessary supervisory help; repealing all laws and parts of laws in conflict herewith, and declaring an emergency," a copy of which is transmitted herewith.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Hall of the House of Representatives.

Austin, Texas, February 6, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 12, Expressing confidence of the Texas Legislature in President Woodrow Wilson, approving his action in severing diplomatic relations with Germany, and pledging him support in all things.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Senate Bill No. 63.

(Pending special order.)

The Chair laid before the Senate as pending business under a special order

S. B. No. 63. The bill having been read the second time on yesterday on request of Senator Westbrook and by unanimous consent of the Senate, it was ordered that S. B. No. 63 be pending business under a special order when the Senate convenes again tomorrow.

Pending.

Senate Bill No. 65 and Senate Bill No. 79.

(Set as special orders.)

On motion of Senator Dean S. B. No. 65 and S. B. No. 79 were set as special orders for next Tuesday at the conclusion of the morning call.

Refusal to Take Up Senate Bill No. 13

Senator McNealus asked unanimous consent to take up at this time out of its order S. B. No. 13.

There was objection.

Senate Concurrent Resolution No. 10 —House Amendments Concurred In.

Senator Bailey called up and the Chair laid before the Senate the following House amendments to S. C. R. No. 10:

Amend the resolution by striking out "Thirty-fourth Legislature" and inserting "Thirty-fifth Legislature."

And inserting the words "if any" after the word expense.

The amendments were read and on motion of Senator Bailey the Senate concurred in the same.

Senate Bill No. 13.

By unanimous consent and on request of Senator McNealus the Chair laid before the Senate on second reading:

S. B. No. 13, A bill to be entitled "An Act providing for the payment by any county of the State of Texas of a monthly pension to indigent, widowed mothers for the partial support of their children in their own homes."

The bill was read.

Senator Page offered the following amendment, which was read and adopted:

(1) Amend the bill by adding, on page 2, after Sections 5 and 6, another section, to be known as Section 7, which shall read as follows:

Section 7. Providing that the commissioners' court shall have the right to refuse any and all applications for pensions under this Act; their action in so doing shall be final and not subject to review by any court.

Senator Henderson offered the following:

(2) Amend the bill by adding Section 8: Provided that no person shall be entitled to receive pensions under the terms of this bill until after they have been a bona fide resident of the State of Texas for five years and the county in which they make their application for at least two years.

The amendment was read and adopted.

Senator Hudspeth offered the following amendment, which was read and adopted:

(3) Amend the bill, page 2, by adding at the end of line 19 after the word "child" the following: And it is provided further that said pension or relief shall be discontinued after said child or any of said children as mentioned in Section 1 of this Act has reached the age of 16 years.

Pending.

(President Pro Tem. Henderson in the chair.)

Adjournment.

At 12:30 o'clock p. m. Senator Hopkins moved that the Senate recess until 2:30 o'clock today.

As a substitute Senator Bailey moved to adjourn until 10 o'clock tomorrow morning.

The motion to adjourn was adopted by the following vote:

Yeas—12.

Bailey.	Harley.
Buchanan of Bell.	Hudspeth.
Caldwell.	Johnston of Harris.
Dean.	Page.
Floyd.	Parr.
Hall.	Woodward.

Nays—11.

Alderdice.	McNealus.
Bee,	Robbins.
Buchanan of Scurry.	Smith.
Decherd.	Strickland.
Hopkins.	Westbrook.
Johnson. of Hall.	

Present—Not Voting.

Henderson.

Absent.

Dayton.	King.
Gibson.	McCollum.

Absent—Excused.

Clark.	Suiter.
Lattimore.	

APPENDIX.

Petitions and Memorials.

The car shed bill is being indorsed by the empolyes of the car depart-

ments at different points, as indicated by petitions to Senators Buchanan of Scurry, Bee and Johnson of Hall.

Senators Buchanan and Bee offered petitions against the optometry bill.

Senators Floyd and Bee sent up numerously signed petitions against S. B. No. No. 16, regulating the sale of remedies, extracts, spices, etc., by peddlers.

A numerously signed petition to Senator Alderdice from Johnson County against chiropractic bill, was offered.

A letter was read, offered by the Chair, from Baker Brothers' Telephone exchange, of Wellborn, Texas, asking the defeat of the Lattimore and Dean bill and support of the gross receipt tax bill.

Engrossing Committee Reports.

Committee Room,

Austin, Texas, February 6, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 174, carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, February 6, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 183 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, February 5, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 235 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, February 5, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 251 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, February 5, 1917.
Hon. W. P. Hobby, President of the Senate:

Sir: Your Committee on Civil Jurisprudence, to whom was referred S. B. No. 265, A bill to be entitled "An Act to authorize and permit B. A. Eastham to sue the State of Texas and the Prison Commission of the State of Texas, in the district court of Walker County, Texas, for damages for the breaches, if any, of, and the failure, if any, to perform the duties and obligations, if any, arising out of the contract made on or about the 12th day of January, A. D. 1910, between the said B. A. Eastham of the one side, and J. A. Herring as superintendent, and A. M. Barton as financial agent of the Texas State penitentiary, of the other side, for the cultivation of the farm of the said B. A. Eastham on the share farm system, with convict labor, for a term of two years, commencing on January 1, A. D. 1910, and ending December 31, 1911, which said farm consists of about one thousand acres, and is located in Walker County, Texas, and providing that no pleas of limitation shall be urged in bar of the cause of action alleged by the plaintiff in said suit, and providing that no execution shall issue on the judgment, if any, rendered therein, but that such judgment shall be recognized as a valid claim by the Prison Commission, and providing for the manner of payment thereof,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, February 5, 1917.
Hon. P. W. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred S. B. No. 264, A bill to be entitled "An Act to authorize and permit W. A. Eastham, Duncan Eastham and Luther Eastham, Jr., as executors of and devisees under the last will of Mrs. Delha Eastham, deceased, to sue the State of Texas, and the Prison Commission of the State of Texas, in district court of Walker County, for damages for the breaches, if any, of,

and the failure, if any, to perform the duties and obligations, if any, arising out of the contract made between Mrs. Delha Eastham, then a widow, now deceased, and J. A. Herring, then superintendent, and J. C. Haynes, then financial agent of the penitentiaries of the State of Texas, for the cultivation, with convict labor, of the farm of the said Mrs. Delha Eastham, situated in Houston County, Texas, for the term of two years, beginning on the first day of January, A. D. 1910, and ending on the 31st day of December, A. D. 1911, which said farm consists of about four thousand acres of cultivable land, and providing that no pleas of limitation shall be urged in bar of the cause of action alleged by the plaintiffs in said suit, and providing that no execution shall issue on the judgment, if any, rendered therein, but that such judgment shall be recognized as a valid claim by the Prison Commission, and providing for the manner of payment thereof,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, February 6, 1917.
Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 299, A bill to be entitled "An Act to create and establish the County of Darlington out of a part of El Paso County, prescribing its area and boundaries, appointing commissioners to organize said county and prescribing their duties, providing for a division of said county into commissioners' and justices' precincts, providing for holding county and precinct elections, for the election of county and precinct officers, and for holding an election for the purpose of locating the county seat of said county, providing for the attachment of said county to judicial, representative, senatorial, congressional and supreme judicial districts, and fixing the terms for holding district court in said county, providing for the assessment and collection of taxes, and for defraying the expenses of organizing said county and surveying and fixing the boundaries, and providing for the

payment of pro rata share of the debt of El Paso County, from which said county is taken, repealing all laws and parts of laws in conflict herewith and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, but be not printed.

PARR, Chairman.

Committee Room,

Austin, Texas, February 5, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 173, A bill to be entitled "An Act authorizing the State librarian, archivist and historian of the State library to purchase for the State of Texas for the purpose of placing in the archives and history department of the State library the literary remains of Sam Houston, consisting of letters, documents, relics, etc., written and collected by Sam Houston, and making an appropriation therefor, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the bill back to the Senate with the recommendation that it do not pass.

McCOLLUM, Chairman.

Committee Room,

Austin, Texas, February 5, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 13, A bill to be entitled "An Act confirming and enlarging, granting and regranting, dedicating and rededicating to the city of Austin, Texas, for exclusively municipal park and to other recreational purposes, a strip of land of varying width fronting the Colorado river in the city of Austin, Texas, and extending from Waller to Shoal creeks, and recognizing any leases heretofore made by the State of Texas of any part of said strip of land, and providing for forfeiture to the State of Texas if used for other purposes,"

Have had the same under consideration, and I am instructed to report the bill back to the Senate with the recommendation that it do pass.

McCOLLUM, Chairman.

Committee Room,

Austin, Texas, February 5, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 86, A bill to be entitled "An Act to prescribe, fix and regulate the buying, selling or optioning stocks, bonds or other commodities so as to conform with the acts of congress, approved August 18, 1914, and known as the United State Cotton Future Act (including such amendments as may hereafter be made to said act of congress),"

Have had same under consideration, and I am instructed to report the bill back to the Senate with the recommendation that it do pass.

McCOLLUM, Chairman.

Committee Room,

Austin, Texas, February 5, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

S. B. No. 213, A bill to be entitled "An Act to construct upon land now owned by the State and described in this Act, a building to be known as the Legislative Office Building, so designed and constructed as to furnish offices for each member of the Senate and the House of the Texas Legislature and to afford accommodation for such departments or commissions transacting the State's business, as may be deemed necessary and advisable; creating a committee, and making an appropriation to carry out the provisions of this Act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the bill back to the Senate with the recommendation that it do pass.

McCOLLUM, Chairman.

Committee Room,

Austin, Texas, February 5, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

S. B. No. 209, A bill to be entitled "An Act to provide for the location, establishment and maintenance of two open air house colonies for the treatment of persons suffering from tuberculosis (also to compel the several counties of this State to either

provide and care for their own tubercular patients or to comply with the law as herein set out), and to provide for the care and treatment of indigent consumptives, making an appropriation therefor, defining a citizen as used in this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report back to the Senate with the recommendation that it do pass.

McCOLLUM, Chairman.

(Floor Report.)

Senate Chamber,
Austin, Texas, February 5, 1917.
Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 46, A bill to be entitled "An Act to establish a branch of the Agricultural and Mechanical College of Texas in that portion of Western Texas lying west of the ninety-eighth meridian and north of the thirtieth parallel; providing for the location of such college, its government and the control of its finances, defining its leading objects and prescribing generally the nature and scope of instruction to be given; providing for the instruction of all students of such college in military science and for military discipline of all students; conferring upon the board of directors of said college the right of eminent domain; making necessary appropriations for the location, establishment and maintenance of said college; and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass.

Bee, Chairman; Gibson, Johnson, Floyd, Smith, Harley, Dayton, Bailey, Buchanan of Scurry.

TWENTY-THIRD DAY.

Senate Chamber,
Austin, Texas,
Wednesday, February 7, 1917.
The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hopkins.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Westbrook.
Harley.	Woodward.
Henderson.	

Absent.

Hudspeth.

Absent—Excused.

Clark.

Suiter.

Lattimore.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Westbrook.

Petitions and Memorials.

See Appendix.

Committee Reports.

See Appendix.

Bills and Resolutions.

By Buchanan of Scurry:

S. B. No. 308, A bill to be entitled "An Act creating and incorporating the Post Independent School District, in Garza County, Texas, and defining the boundaries thereof, and providing for a board of trustees thereof, and defining their powers and authority, authorizing said board to levy, assess and collect taxes for maintenance and building purposes and to issue bonds therefor; providing for an assessor and collector of taxes thereof, and providing for a board of equalization of said school district, providing for an election of trustees thereof, and providing for an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator McNealus:

S. B. No. 309, A bill to be entitled